

PATENTApplication Serial No. 09/221,099  
Attorney Docket No. 98-112**AMENDMENT TO THE CLAIMS**

1-16. (Cancelled)

17. (Currently amended) A method for promoting a sale of a substitute product, comprising:

receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal;

transmitting said transaction data to a remote server of a manufacturer during a transaction session for determination of a possible substitute product to be offered to said consumer,

upon receipt of information regarding [[a]] said substitute product from said remote server, offering said substitute product to said consumer before the transaction session terminates;

consummating a sale of said original product if at least one of

(a) no information regarding said substitute product is received from said remote server, and

(b) said consumer declines said offering; and

consummating a sale of said substitute product upon acceptance by said consumer of said offering.

18. (Original) The method of claim 17 wherein said consummating a sale comprises removing transaction data regarding said original product from pending sale data and substituting transaction data regarding said substitute product in said pending sale data.

19. (Original) The method of claim 18 wherein said transaction data includes at least one of: product price, product identifier and product UPC code.

20. (Currently amended) The method of claim 17 wherein said consummating a sale of said substitute product comprises adding transaction data regarding said original product to pending sale data after said consumer's ~~rejection~~ declining of said offering.

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21. (Original) The method of claim 17 wherein said original and substitute products have different manufacturers.

22. (Original) The method of claim 17 wherein one manufacturer manufactures both said original product and said substitute product.

23. (Original) The method of claim 17 wherein said offering comprises transmitting information regarding said substitute product to said consumer via at least one of: a printer, a display terminal and a speaker.

24. (Original) The method of claim 17 further comprising transmitting to said server inventory information of a potential substitute of said original product.

25. (Original) The method of claim 17 further comprising transmitting additional information to said server for determination of said possible substitute product, said additional information comprising at least one of: product profit margin information, product inventory information, product expiration date information, retail product price information, product floor price information, product sales information, sale and promotional pricing information, product demand information, product forecast information, product class information, product pricing information, and information regarding product features.

26. (Original) The method of claim 17 further comprising transmitting information regarding a sale of said substitute product to said server.

27-79. (Cancelled)

80. (Previously presented) An apparatus for promoting a sale of a substitute product, comprising:

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means for receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal;

means for transmitting said transaction data to a remote server of a manufacturer during a transaction session for determination of a possible substitute product to be offered to said consumer;

means for transmitting an offer of said substitute product to said consumer before the transaction session terminates;

means for consummating a sale of said original product if at least one of (a) no information regarding said substitute product is received from said remote server, and (b) said consumer declines said offering; and

means for consummating a sale of said substitute product upon acceptance by said consumer of said offering.

81-85. (Cancelled)

86. (Previously presented) Computer executable software code stored on a computer readable medium, the code comprising:

code for receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal;

code for transmitting said transaction data to a remote server of a manufacturer during a transaction session for determination of a possible substitute product to be offered to said consumer;

code for transmitting an offer of said substitute product to said consumer before the transaction session terminates;

code for consummating a sale of said original product if at least one of (a) no information regarding said substitute product is received from said remote server, and (b) said consumer declines said offering; and

code for consummating a sale of said substitute product upon acceptance by said consumer of said offering.

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87. (Previously presented) A computer readable medium having computer executable software code stored thereon, the code comprising:

code for receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal;

code for transmitting said transaction data to a remote server of a manufacturer during a transaction session for determination of a possible substitute product to be offered to said consumer;

code for offering said substitute product to said consumer before the transaction session terminates;

code for consummating a sale of said original product if at least one of (a) no information regarding said substitute product is received from said remote server, and (b) said consumer declines said offering; and

code for consummating a sale of said substitute product upon acceptance by said consumer of said offering.

88-91. (Cancelled)